
PRELIMINARY DRAFT
No. 3345

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2007 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 29-1-13-1.

Synopsis: Probate administration. Specifies that the personal representative has the right to take possession of all of the property of the decedent, without exception. Removes a provision under which the personal representative is not authorized to possess property subject to the surviving spouse and family allowances.

Effective: July 1, 2007.



A BILL FOR AN ACT to amend the Indiana Code concerning probate.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 29-1-13-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. Every personal
3 representative shall have a right to **take**, and shall take, possession of
4 all the real and personal property of the decedent. ~~other than~~
5 ~~allowances under IC 29-1-4-1. He~~ **The personal representative:**
6 (1) shall pay the taxes and collect the rents and earnings thereon
7 until the estate is settled or until delivered by order of the court to
8 the distributees; ~~He~~
9 (2) shall keep in tenantable repair the buildings and fixtures under
10 ~~his the personal representative's control; and~~
11 (3) may protect the ~~same buildings and fixtures under the~~
12 **personal representative's control** by insurance; ~~He and~~
13 (4) may maintain an action:
14 (A) for the possession of real property; or
15 (B) to determine the title to ~~the same:~~ **real property.**

